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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the Commission's Post-2008 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.

Rulemaking 09-11-014
(Filed November 20, 2009)

**DECISION GRANTING REQUEST OF THE UTILITY REFORM NETWORK
FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL
CONTRIBUTIONS TO DECISION (D.) 10-09-047, D.10-10-033,
D.11-10-014 AND D.12-05-015**

Claimant: The Utility Reform Network (TURN)	For contribution to D.10-09-047, D.10-10-033, D.11-10-014, and D.12-05-015
Claimed: \$399,142.47	Awarded: \$389,365.40 (reduced 2%)
Assigned Commissioner: Mark J. Ferron	Assigned Administrative Law Judge (ALJ): Darwin E. Farrar

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	<p>In Decision (D.) 10-09-047, <i>Decision Adopting the Lighting Chapter of Energy Efficiency Strategic Plan</i>, the Commission adopted the Lighting Chapter of the California Long-Term Energy Efficiency Strategic Plan and required that its adopted strategies be incorporated into energy efficiency (EE) program planning and implementation starting in 2011.</p> <p>In D.10-10-033, <i>Decision on Evaluation, Measurement, and Verification of California Utility Energy Efficiency Programs</i>, the Commission established the EE evaluation, measurement, and verification (EM&V) objectives for post-2012 program, identified challenges that must be addressed before those programs begin, and launched a series of workshops designed to address those challenges collaboratively and transparently.</p> <p>In D.11-10-014 (as corrected by D.11-10-044), <i>Decision Regarding Public Purpose Program Funds</i>, the Commission provided guidance to Pacific Gas and Electric</p>
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	<p>Company (PG&E), San Diego Gas and Electric Company (SDG&E) and Southern California Gas Company (SoCalGas) regarding priorities and financing for their on-going gas EE programs in the event funds previously collected from ratepayers for this purpose are transferred to the State's General Fund pursuant to Senate Bill 87.</p> <p>In D.12-05-015, <i>Decision Providing Guidance on 2013-2014 Energy Efficiency Portfolios and 2012 Marketing, Education, and Outreach</i>, the Commission established a two-year "transition" period, provided guidance to the utilities for changes to the 2010-2012 program intended to move the EE portfolio away from short-lived energy savings and towards deeper retrofits, among other things, and directed PG&E, Southern California Edison Company (SCE), SDG&E, and SoCalGas (referred to collectively as the IOUs or utilities) to file applications for EE programs and budgets for 2013-2014 consistent with this policy guidance.</p> <p>This request for compensation also reflects TURN's efforts associated with the implementation of the 2010-2012 EE portfolios adopted in D.09-09-047, including the ongoing EM&V of those programs, as well as Energy Division's ongoing efforts to align portfolio activities with the California Long-Term Energy Efficiency Strategic Plan. TURN has included here the reasonable amounts of time and resources devoted to those efforts.</p>
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

As Stated by Claimant		CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	N/A	March 18, 2010
2. Other Specified Date for NOI:	March 18, 2010	
3. Date NOI Filed:	April 19, 2010	Correct
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.08-05-023	Correct
6. Date of ALJ ruling:	April 22, 2009	Correct

7. Based on another CPUC determination:		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.08-05-023	Correct
10. Date of ALJ ruling:	April 22, 2009	Correct
11. Based on another CPUC determination:		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-05-015	Correct
14. Date of Issuance of Final Decision:	May 18, 2012	Correct
15. File date of compensation request:	July 17, 2012	Correct
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s description of its claimed contribution to the final decision(s):

Contribution	Citation to Decision or Record (Provided by Claimant)	Showing Accepted by CPUC
TURN’s claimed contributions to D.10-09-047		
TURN demonstrated that the Lighting Chapter of the Strategic Plan should call for the coordinated phase-out of utility incentives for the purchase of CFLs.	<ul style="list-style-type: none"> D.10-09-047, at 8 (adding this as a fifth strategy to the “policy for transformation goal” and citing TURN for the proposition that the phase-out makes room for other, more effective, high-efficiency lighting products). TURN Cmts on the 6/25/10 ACR (7/16/10), at 3-5. TURN Rep. Cmts on the 6/25/10 ACR (7/23/10), at 2-3. TURN Rep. Cmts on PD (9/20/10), pp. 1-2. 	Yes
TURN demonstrated that the initial draft of the Lighting Chapter erred in stating that residential lighting “correlates strongly with peak demand.”	<ul style="list-style-type: none"> <i>Compare</i> D.10-09-047, Attachment A (Lighting Chapter, Section 13.2), Section 13 -- at 1, <i>with Assigned Commissioner’s Ruling on Draft Strategic Lighting Plan</i>, Attachment 1 (Lighting Chapter, Section 13.2), 	Yes

	<p>Section 13 – at 2.</p> <ul style="list-style-type: none"> TURN Rep. Cmts on the 6/25/10 ACR (7/23/10), at 3 (agreeing with SCE and providing additional data). 	
TURN's claimed contributions to D.10-10-033		
TURN contributed to the Commission's expansion of the Market Assessment Objective of EM&V adopted in D.09-09-047.	<ul style="list-style-type: none"> D.10-10-033, at 27 (citing TURN). TURN Cmts on 7/2/10 ACR re: EM&V (7/16/10), at 2-3. TURN Cmts on 5/21/10 ACR & Scoping Memo (6/4/10), at 2. 	Yes
TURN demonstrated that the Commission should expedite the implementation of the Total Energy Consumption Pilot as part of developing Macro Consumption Metrics for use in accounting for GHG reductions caused by EE programs (which requires a measurement of the impact of EE efforts on overall energy consumption).	<ul style="list-style-type: none"> D.10-10-033, at 18 (discussing TURN's position), at 32-33. TURN Cmts on 5/21/10 ACR & Scoping Memo (6/4/10), at 3-7, 13-14. 	Yes
TURN demonstrated that the Commission should coordinate with the CEC in developing Macro Consumption Metrics so as to meet the CEC's needs in load forecasting.	<ul style="list-style-type: none"> D.10-10-033, at 33. TURN Cmts on 5/21/10 ACR & Scoping Memo (6/4/10), at 14-15. 	Yes
TURN demonstrated that the Commission should test the use of Experimental Design as part of the Whole House Retrofit Program.	<ul style="list-style-type: none"> D.10-10-033, at 35 (citing TURN). TURN Cmts on 7/2/10 ACR re: EM&V (7/16/10), at 7. TURN Rep. Cmts on PD (10/22/10), at 3 (defending the PD's treatment of this issue from PG&E's suggestion that the Commission should explore whether (as opposed to how) to apply Experimental Design as part of the EM&V of the Whole House Retrofit Program). 	Yes
TURN demonstrated that the Commission should explore the potential application of NEEA's market transformation metrics to future EE program cycles.	<ul style="list-style-type: none"> D.10-10-033, at 36 (discussing TURN's position); at 37 (directing PPD to include within the EM&V workshop series ordered by this decision a review of NEEA's market transformation metrics for potential application to CA's next EE program cycle, as well as directing that the EM&V Plan should address 	Yes

	<p>whether and how NEEA's experience can be leveraged to enhance CA's market transformation metrics).</p> <ul style="list-style-type: none"> TURN Cmts on 7/2/10 ACR re: EM&V (7/16/10), at 7. 	
TURN's claimed contributions to D.11-10-014 (as corrected by D.11-10-044)		
TURN demonstrated that the Commission should adopt criteria for the IOUs' portfolio modifications, rather than leave this task to the IOUs (as proposed by other parties), if the stopgap funding falls short of the gas EE program budgets.	<ul style="list-style-type: none"> D.11-10-014, at 17. TURN Rep. Cmts on 7/7/11 ACR & Phase 3 Scoping Memo re: PPP \$ (7/28/11), at 4. 	Yes
TURN demonstrated that Energy Upgrade California, as a whole-house, whole-building program, should be prioritized in the event of a funding shortfall.	<ul style="list-style-type: none"> D.11-10-014, at 17 (directing that programs supplemented by American Recovery and Reinvestment Act (ARRA) funding, which includes Energy Upgrade California, should be prioritized). TURN Cmts on 7/7/11 ACR & Phase 3 Scoping Memo re: PPP \$ (7/21/11), at 8. TURN Rep. Cmts on 7/7/11 ACR & Phase 3 Scoping Memo re: PPP \$ (7/28/11), at 4. 	No. This claimed contribution is not a separate contribution than the criteria generally (see contribution above). While the criteria do include ARRA programs, there is no mention in the relevant passage of the decision of whole house, whole building programs generally or Energy Upgrade California specifically.
TURN contributed to the determination that program prioritization should be based, in part, on cost-effectiveness, in the event of a funding shortfall.	<ul style="list-style-type: none"> D.11-10-014, at 17. TURN Rep. Cmts on 7/7/11 ACR & Phase 3 Scoping Memo re: PPP \$ (7/28/11), at 2. 	Yes
TURN demonstrated that an advice letter process should be used for modifications to program budgets in the event of a funding shortfall, through which the IOUs would propose modifications consistent with the	<ul style="list-style-type: none"> D.11-10-014, at 17. TURN Rep. Cmts on 7/7/11 ACR & Phase 3 Scoping Memo re: PPP \$ (7/28/11), at 4. 	Yes

criteria adopted by the Commission and/or explain any departures from the Commission's guidelines.		
TURN's claimed contributions to D.12-05-015		
TURN demonstrated that the bridge period should function as a period of transition in the focus of the EE portfolios, not simply an extension of the current portfolios.	<ul style="list-style-type: none"> • D.12-05-015, at 2, 10. • <i>Assigned Commissioner's Ruling and Scoping Memo Regarding 2013-2014 Bridge Portfolio and Post-Bridge Planning, Phase IV</i>, 10/25/11, at 1. • TURN Opening Cmts re: Issues Related to Extension of the 2010-2012 Portfolio Period (12/3/10), at 4. • TURN Opening Cmts re: 2013 Bridge Funding and Mechanics of Portfolio Extension (6/16/11), at 4, 17. • TURN Reply Cmts re: 2013 Bridge Funding and Mechanics of Portfolio Extension (7/1/11), at 2-3. 	Yes
TURN demonstrated that the Commission should employ a process for adjusting the portfolios during the bridge period which would include an analysis by Staff of program performance and a proposal for portfolio changes, which would be put out for public comment.	<ul style="list-style-type: none"> • <i>Assigned Commissioner's Ruling and Scoping Memo Regarding 2013-2014 Bridge Portfolio and Post-Bridge Planning, Phase IV</i>, 10/25/11, at 3-9, 15. • <i>Administrative Law Judge's Ruling Regarding Program Guidance for the 2013-2014 EE Portfolio</i>, 12/7/11 (issuing for comment Energy Division's proposed pathways to portfolio changes during the bridge period). • TURN Reply Cmts re: Issues Related to Extension of the 2010-2012 Portfolio Period (12/10/10), at 3-4. 	Yes
TURN demonstrated that a two-year bridge period was appropriate to allow time to adjust the portfolios, incorporate any changes in the Commission's cost-effectiveness framework, as well as support the implementation of AB 758 (Skinner) in the bridge portfolio.	<ul style="list-style-type: none"> • D.12-05-015, at 2-3. • TURN Opening Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 3. 	No. This is duplicative of the previous contributions. TURN's comments cited merely support the proposal by

		the assigned Commissioner.
TURN demonstrated that the bridge period should begin a transition toward portfolios offering deeper retrofits.	<ul style="list-style-type: none"> • D.12-05-015, at 2, 10, 14-15. • <i>Assigned Commissioner's Ruling and Scoping Memo Regarding 2013-2014 Bridge Portfolio and Post-Bridge Planning, Phase IV</i>, 10/25/11, at 1. • TURN Opening Cmts re: 2013 Bridge Funding and Mechanics of Portfolio Extension (6/16/11), at 11 (advocating whole house retrofits and financing) • TURN Opening Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 5, 9-10. 	Yes
TURN demonstrated that a "whole neighborhood" approach to Energy Upgrade California (EUC) program marketing and delivery might provide cost savings and may be pursued by LGs in conjunction with the IOUs.	<ul style="list-style-type: none"> • D.12-05-015, at 183 (agreeing with TURN that the whole neighborhood approach "would, in theory, be a promising way to reduce program delivery costs. However, we have limited information to evaluate the benefits of such a proposal at this time. If desired, local governments may pursue such an approach with their respective utility."). • TURN Cmts on ALJ Ruling re 2013-2014 Program Guidance (12/21/11), at 5-6. 	No. Finding that a method is beneficial "in theory" only is not a substantial contribution to what the Commission decides to do, <i>in actual practice</i> . TURN should apply for compensation for this contribution if and when this method is actually adopted.
TURN demonstrated that data sharing related to technical project opportunities and financial analysis information could help to increase the success of EUC and warrants the Commission's attention.	<ul style="list-style-type: none"> • D.12-05-015, at 197-98 (discussing TURN's data sharing recommendations, as well as those of other parties, and deferring the resolution of these important issues in a subsequent decision). • TURN Cmts on ALJ Ruling re 2013-2014 Program Guidance (12/21/11), at 5. 	No. TURN should apply for compensation for this contribution if and when a relevant policy is adopted.
TURN contributed to the Commission's determination that workforce training and	<ul style="list-style-type: none"> • D.12-05-015, at 171 (noting TURN's support for Staff's 	Yes

<p>other new requirements related to HVAC installation should be adopted to support HVAC permit acquisition and quality installation in conjunction with the HVAC and EUC programs.</p>	<p>proposal to require contractors to warrant that they have procured permits for access to incented high efficiency HAC units and/or EUC rebates); at 175 (directing the IOUs to institute program changes to support HVAC permit acquisition); at 178-79 (concluding that workforce training is necessary to ensure that EUC contractors have the skills necessary to ensure quality deep energy retrofit equipment installations and services).</p> <ul style="list-style-type: none"> • TURN Cmts re Parts 6B, 6C of Financing Ruling (2/22/12), at 17 (“Job training for higher quality jobs and enhanced filed time on QC/QA activities, particularly on HVAC installation and maintenance, are key factors in ensuring quality services that will facilitate greater adoption of EE measures” and play a critical role in driving customer uptake of deeper retrofits and whole house improvements.). • TURN Reply Cmts re Parts 6B, 6C of Financing Ruling (2/29/12), at 4 (urging an improvement in the quality of HVAC installations through contractor training and certification and ensuring that permit requirements have been met). 	
<p>TURN demonstrated that the bridge period should begin a transition toward portfolios offering more EE financing.</p>	<ul style="list-style-type: none"> • D.12-05-015, at 3, 14-15 • <i>Assigned Commissioner’s Ruling and Scoping Memo Regarding 2013-2014 Bridge Portfolio and Post-Bridge Planning, Phase IV</i>, 10/25/11, at 1. • TURN Opening Cmts re: 2013 Bridge Funding and Mechanics of Portfolio Extension (6/16/11), at 11 (advocating whole house retrofits and financing). • TURN Reply Cmts re: 2013 Bridge Funding and Mechanics of Portfolio Extension (7/1/11), at 5-6. 	<p>Yes</p>

	<ul style="list-style-type: none"> • TURN Reply Cmts re: 2013 Bridge Funding and Mechanics of Portfolio Extension (7/1/11), at 5-6 (financing) • TURN Opening Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 5, 7, 9-10. 	
TURN demonstrated that the current On-Bill Financing (OBF) programs in the utility 2010-2012 portfolios for non-residential customers should be continued.	<ul style="list-style-type: none"> • D.12-05-015, at 109-110 (citing TURN's support and directing the IOUs to proposal in their 2013-2014 portfolios an OBF program and budget for nonresidential customers). 	Yes
TURN demonstrated that the 2013-2014 portfolios should continue and augment the American Recovery and Reinvestment Act-funded financing programs delivered by local governments and third parties during the past few years, some in conjunction with existing financial institutions.	<ul style="list-style-type: none"> • D.12-05-015, at 112. • TURN Reply Cmts re Financing Ruling (1/30/12), at 6 (recommending that the financing workshops provide a thorough examination of existing local government financing programs). • TURN Cmts re Parts 6B, 6C of Financing Ruling (2/22/12), at 17-18 (the upcoming portfolios should continue to foster and develop the financing pilots already initiated by local governments and private entities that have begun to achieve traction in encouraging deeper retrofits on a local and regional level; lessons learned at the local level should inform the larger, statewide initiatives). • TURN Reply Cmts re Parts 6B, 6C of Financing Ruling (2/29/12), at 6-8 (urging the Commission to continue to support ARRA-funded deep retrofits and financing pilot programs). 	Yes
TURN demonstrated that a database of financing-related information should be developed to meet the needs of financial entities interested in EE financing and the Commission in evaluating program successes.	<ul style="list-style-type: none"> • D.12-05-015, at 108 (requiring the utilities to "develop a database or contribute to a larger database of financing-related information (including, but not necessarily limited to, credit scores, bill payment history, debt repayment history, estimated and actual energy savings), along with an approach to sharing this 	Yes

	<p>information ... [to] meet the needs of interested financial entities and other for additional data"); at 112 ("...we need to continue developing loan and project performance data and experience to share with larger capital market players to ensure their confidence in both debt repayment behavior and the cash flow profile of energy savings associates with the projects."); at 135 (data to be included in database).</p> <ul style="list-style-type: none"> • TURN Cmts re Financing Ruling (1/25/12), at 4-5 ("Lastly, loan performance tracking that incorporates absolute consumption information (with/without retrofits, one to two years post retrofit) should be reported and recorded. As possibly the ultimate assurance to lenders of OBR benefits, this would address uncertainties in EE savings assumptions" while provide data related to the State's AB 32 goals). • TURN Cmts re Parts 6B, 6C of Financing Ruling (2/22/12), at 5 (the Commission needs loan and energy savings performance data to monitor success of the program and ensure that ratepayer funds are reasonably expended on financing programs). 	
TURN contributed to the Commission's conclusion that a credit enhancement financing strategy should be offered to residential customers, and that having a single administrator like CAEATFA should be explored.	<ul style="list-style-type: none"> • D.12-05-015, at 118-121. • TURN Reply Cmts re Financing Ruling (1/30/12), at 3 (CAEAFTA) • TURN Reply Cmts re Parts 6B, 6C of Financing Ruling (2/29/12), at 8-9 (credit enhancement), 10 (single statewide administrator, CAEAFTA). 	Yes
TURN demonstrated that the Commission should not pre-authorize cost recovery for upgrading utility billing systems and other such costs associated with implementing	<ul style="list-style-type: none"> • D.12-05-015, at 138. • TURN Cmts re Parts 6B, 6C of Financing Ruling (2/22/12), at 11. 	Yes

OBR, and that parties must be given an opportunity to scrutinize the utilities' costs estimates before their authorization.		
TURN demonstrated that the bridge period should begin a transition away from programs driven by basic CFLs.	<ul style="list-style-type: none"> • D.12-05-015, at 17 (“...we expect the IOUs to take decisive steps, as directed herein, to phase out Compact Fluorescent Lamps, scale-up advanced lighting technologies, ...”); at 72-73 (basic CFLs are expected to “account for no more than 4% of the 2013-2014 portfolio); at 233 (directing the IOUs to propose a drastically reduced basic CFLs program for 2013-2014 as part of phasing out incentives for basic CFLs, capped at the remaining market potential for that measure, net of any CFL potential captured through the Energy Savings Assistance Program during the same time period). • <i>Assigned Commissioner’s Ruling and Scoping Memo Regarding 2013-2014 Bridge Portfolio and Post-Bridge Planning, Phase IV</i>, 10/25/11, at 1. • TURN Cmts re Issues Related to Extension of the 2010-2012 Portfolio Period (12/3/10), at 5-6 (calling for a review of the need for changes to the Upstream Lighting Program (specifically basic CFLs) based on recent EM&V)). • TURN Cmts re 2013 Bridge Funding and Mechanics of Portfolio Extension (6/16/11), at 7-9 (urging that the utilities be required to redirect EE funds from basic CFLs to advanced lighting programs during the bridge period). • TURN Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 6-7 (also advocating a cautious transition with “proper market supports to maintain the availability and affordability of basic CFLs,” which could include 	Yes

	<p>buy-downs of next generation high efficiency lighting like specialty CFLs and LEDs, etc.).</p> <ul style="list-style-type: none"> • TURN Reply Cmts re ACR & Phase 4 Scoping Memo (11/16/11), at 3. • TURN Cmts on ALJ Ruling re 2013-2014 Program Guidance (12/21/11), at 8 (advocating the direction of funds away from basic CFLs and towards specialty lighting products). 	
TURN demonstrated that the Appliance Recycling Program should be modified to reduce the incidence of free-ridership in refrigerator recycling and expand the types of appliances eligible for recycling.	<ul style="list-style-type: none"> • D.12-05-015, at 12, p. 205 (agreeing with TURN and DRA that there is cause for concern regarding free-ridership levels in the refrigerator recycling program); at 206-07 (requiring changes to the program to improve cost-effectiveness, including an expansion of the list of appliances to be recycled to include clothes washers and air conditioners, and suggesting new targeted efforts to address secondary refrigerator units). • TURN Cmts re Issues Related to Extension of the 2010-2012 Portfolio Period (12/3/10), at 5-6 (calling for a review of the need for changes to the refrigerator recycling program based on recent EM&V). • TURN Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 7 (recommending that a different market strategy and program design may be warranted, including possibly higher incentives for removal of second refrigerators, and proposing the inclusion of other appliances, such as room air conditioning units). • TURN Reply Cmts re ACR & Phase 4 Scoping Memo (11/16/11), at 2. 	Yes
TURN demonstrated that the upstream buy-down strategy should be used for more	<ul style="list-style-type: none"> • D.12-05-015, at 202 (directing the IOUs to simply and streamline their plug load and appliance 	Yes

<p>appliances and equipment (appliances & plug loads), rather than simply relying on customer rebates.</p>	<p>programs to “maximize synergies with manufacturers and retailers and reduce administrative costs,” and requiring that their 2013-2014 program plans consider the best delivery channel(s) for achieving these goals).</p> <ul style="list-style-type: none"> • D.12-05-015, at 200 (discussing the Programmatic Guidance Ruling, which tentatively proposed that the Plug Loads/Appliances program should be modified during the bridge period to move all “feasible” plug load and appliance subsidy programs upstream to manufacturers to reduce program administrative costs). • TURN Opening Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 4 (recommending that the upstream buy-down strategy should be used for more appliances and equipment (appliances & plug loads), rather than simply relying on customer rebates). 	
<p>TURN demonstrated that the role of local governments (LGs) should be expanded during the bridge period to support deeper retrofits, including through Energy Upgrade California (EUC) and otherwise, with a decrease in the IOUs’ control over program design and/or implementation of LG programs and partnerships.</p>	<ul style="list-style-type: none"> • D.12-05-015, at 15, 22-23; at 145 (noting a strong need for programs that can provide deep retrofits and inviting LG programs/partnerships to propose to expand during the bridge period if they can demonstrate that they offer that capability, and also creating a review process that allows the Commission to consider LG proposals even if they were rejected by the utilities); at 147-48 (authorizing a process whereby LGs can submit regional EE pilot program proposals directly to the Commission, which would be administered by the regional energy networks under contract to the utility, in light of the “potential benefits of alternative administrative structures as 	<p>Yes</p>

	<p>described in recent party comments,” including TURN’s); at 177-78 (directing the IOUs to consult with and include LGs in their EUC proposals for 2013-2014).</p> <ul style="list-style-type: none"> • TURN Cmts re 2013 Bridge Funding and Mechanics of Portfolio Extension (6/16/11), at 12 (bridge year planning should also include planning for an expanded role for local governments, wherein they design and implement programs outside of but in coordination with IOU administration). • TURN Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 8-10 (advocating a more expanded approach to LG and 3P programs through procurement-styled approaches, including the identification of types of EE resources needed, performance contracting, and pilots to advance deep savings retrofits, since LGs and 3Ps are “becoming increasingly well positioned to leverage broader and deeper savings in the near- and longer-term.”). • TURN Reply Cmts re ACR & Phase 4 Scoping Memo (11/16/11), at 4 (reiterating support for expanding the number of programs overseen and carried out by LGs and 3Ps, and particularly moving these programs beyond the ambit of IOU-set parameters – such as through the regional approach for integrating local gov’t programs offered by LGSEC, leveraging existing local and technical resources, as well as through a procurement style approach to EE programs). • TURN Reply Cmts on ALJ Ruling re 2013-2014 Program Guidance (1/6/12), at 2-3 	
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	<p>(arguing that local governments can play a more integral role in administering and developing innovative EE programs, especially with regard to deeper household energy-use reduction through the EUC program).</p> <ul style="list-style-type: none"> • TURN Reply Cmts on PD (4/16/12), at 3-5 (defending the PD's proposed authorization of LG regional EE pilots). 	
TURN demonstrated that the role of third party (3P) programs should be expanded during the bridge period, with an increase in performance contracting with 3Ps.	<ul style="list-style-type: none"> • D.12-05-015, at 15, 22-23; at 154 (finding that 3P implementation should be more heavily relied upon going forward because it can occur pursuant to performance based contracts, the use of which should be increased by the IOUs). • TURN Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 8-10 (advocating a more expanded approach to LG and 3P programs through procurement-styled approaches, including the identification of types of EE resources needed, performance contracting, and pilots to advance deep savings retrofits). • TURN Reply Cmts re ACR & Phase 4 Scoping Memo (11/16/11), at 4 (reiterating support for expanding the number of programs overseen and carried out by LGs and 3Ps, and particularly moving these programs beyond the ambit of IOU-set parameters – such as through the regional approach for integrating local gov't programs offered by LGSEC, leveraging existing local and technical resources, as well as through a procurement style approach to EE programs). 	Yes
TURN contributed to the Commission's determination that the "evergreening" of certain programs should be explored for possible implementation in the future.	<ul style="list-style-type: none"> • D.12-05-015, at 353-54 (directing Staff to work with parties to develop viable proposals for possible implementation in the post-2014 period). 	Yes

	<ul style="list-style-type: none"> • TURN Opening Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 4-6 (advocating the “evergreening” of certain programs, while also ensuring that the duration of such programs is tied to market transformation accomplishments). 	
TURN demonstrated that adjustments to the portfolios during the bridge period should be based on updated ex ante inputs, including net (instead of gross) savings values.	<ul style="list-style-type: none"> • D.12-05-015, at 8 (recognizing that the ex ante freezing process can be “every bit as contentious as the use of ex post evaluation results); at 45 (adopting the use of the DEER 2011 Update, and rejecting the proposal to only update “noncontroversial” values); at 52, 56 (rejecting the notion that only gross savings are important, as “[n]et savings are a key component of the Commission’s adopted cost-effectiveness calculations”). • TURN Reply Cmts re Issues Related to the Extension of the 2010-2012 Portfolio Period (12/10/10), at 7 (urging the use of “best available” ex ante data in adjusting the portfolios during a period of extension beyond 2010-2012). • TURN Cmts re 2013 Bridge Funding and Mechanics of Portfolio Extension (6/16/11), at 9-10, 16. • TURN Reply Cmts re: 2013 Bridge Funding and Mechanics of Portfolio Extension (7/1/11), at 3-4 (opposing efforts of other parties to keep recent EM&V and updated ex ante values (best available data) from playing a role in bridge year programming). • TURN Cmts re ACR & Phase 4 Scoping Memo (11/8/11), at 8 (advocating the use of the most current ex post data from recent EM&V in the bridge portfolios), 10-11 (advocating the use of updated avoided costs, and updated <u>net</u>, not gross, estimates 	Yes

	<p>of energy savings and cost-effectiveness).</p> <ul style="list-style-type: none"> • TURN Reply Cmts re ACR & Phase 4 Scoping Memo (11/16/11), at 1 (defending the ACR's proposal to update ex ante values as a basis for EE investments in 2013 and 2014 against other parties who argued that updating ex ante data during the bridge period will create delay and confusion, and/or that suggested only updating values that present minimal "controversy" among parties. TURN responded that the ex ante freeze adopted for the current portfolios has not resolved contention but further entrenched the IOUs' stagnant portfolios.). 	
TURN demonstrated that the ex ante update process is not intended to be "collaborative," as the Commission has delegated to Staff the authority to recommend updates based on their assessment of the most appropriate and accurate data available.	<ul style="list-style-type: none"> • D.12-05-015, at 328 (agreeing with TURN that "the Commission did not envision the ex ante update process, for either DEER or non-DEER values, to be a negotiation between Commission Staff and the utilities or other parties"). • TURN Reply Cmts re ACR & Phase 4 Scoping Memo (11/16/11), at 2. 	Yes
TURN contributed to the Commission's conclusion that decay replacement should not be included in the 2013-2014 goals.	<ul style="list-style-type: none"> • D.12-05-015, at 94-95. • TURN Reply Cmts on PD (4/16/12), at 3 (arguing that "decay replacement" should not be included in the EE goals for the bridge period). 	Yes
TURN demonstrated that net savings from Codes and Standards should count towards the goals, not gross savings.	<ul style="list-style-type: none"> • D.12-05-015, at 84 (concluding that the codes and standards savings in the goals proposal should be adjusted for attribution and realization of verified savings). • TURN Opening Cmts on Goals (1/12/12), at 2, 15-16 (IOUs are only partially responsible for Codes and Standards savings and should not get credit for all C&S savings). 	Yes

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding with positions similar to the Claimant's?	Yes	Yes
c. Names of other parties (if applicable): TURN's positions on the matters raised in this proceeding were most closely aligned with DRA's.		This answer is only partially responsive. We note that there were also many other parties with some overlap of positions (e.g. Natural Resources Defense Council, Women's Energy Matters, etc). However, we agree with TURN that the party with the most consistently similar interests were the Division of Ratepayer Advocates.
d. Claimant's description of how Claimant coordinated with DRA and other parties to avoid duplication or of how Claimant's participation supplemented, complemented, or contributed to that of another party: TURN took steps to coordinate with DRA, staying in regular contact to compare positions, discuss strategy, exchange drafts of certain comments, and generally keep DRA abreast of the direction TURN was heading in with regard to the underlying issues. TURN strove to ensure that our work supplemented and complemented that of DRA and the other parties who worked on the same issues addressed by TURN. TURN also made concerted efforts to coordinate with NRDC regarding ongoing 2010-2012 EM&V issues, specifically Energy Division's Lighting Workplan, which resulted in a joint letter from the two organizations to Energy Division.		Yes

<p>In a proceeding such as this where many stakeholder groups are encouraged to participate, some degree of duplication may be practically unavoidable.¹ TURN and other parties at times supported overlapping recommendations, but TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. Moreover, in those instances, TURN sought to bolster support for the proposal by emphasizing distinct facts or authority to support the recommendation.</p> <p>In these circumstances, TURN submits that the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under PU Code Section 1802.5. Hence, the Commission should not reduce TURN's award of compensation due to duplication.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

	CPUC Verified
<p>a. Claimant's explanation of how the cost of claimant's participation bore a reasonable relationship with benefits realized through its participation.</p> <p>TURN's request for intervenor compensation seeks an award of approximately \$399,142.47 as the reasonable cost of our participation in this two and a half year proceeding. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to customers.</p> <p>TURN's advocacy reflected in D.10-09-047, D.10-10-033, D.11-10-014, and D.12-05-015 addressed policy matters rather than specific rates or disputes over particular dollar amounts. Thus, TURN cannot easily identify precise</p>	<p>After the reductions set forth in this decision, we find the remaining hours and costs of TURN's participation to be reasonable and likely to result in</p>

¹ See, i.e. D.96-08-040 (67 CPUC 2d 562, 575-576.X)("[B]ecause of the extraordinary level of participation required of both parties and intervenors throughout these proceedings, we find that a reduction in the amount awarded to intervenors based on duplication of effort is unwarranted. Section 1803(b) requires that the awarding of fees to intervenors "be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process." Each of the intervenor groups clearly has a stake in the process of restructuring California's electrical services industry and we are grateful for their participation in these proceedings. Moreover, we rely on them to continue their effective and efficient participation in our proceedings as we move forward with the many implementation tasks ahead. [footnote omitted][¶] . . . In a broad, multi-issue proceeding such as this, we expect to see some duplication of contribution. This duplication does not diminish the value of that contribution to the Commission. In our view, to deduct from an award of reasonable fees in this case would not encourage the effective and efficient participation of all stakeholders in the spirit of § 1801.3(b).")

<p>monetary benefits to ratepayers from our work in this proceeding, given the nature of the issues presented. For this reason, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN's participation. (<i>See i.e.</i> D.07-12-040, at 21 (awarding TURN intervenor compensation for energy efficiency policy work in A.05-06-004 et al.)).²</p> <p>Despite the lack of easily quantifiable customer benefits, TURN submits that our work in this proceeding will afford the ratepayers of PG&E, SCE, SDG&E and SoCalGas with significant benefits, as the establishment of energy efficiency policies has a direct and lasting impact on customer rates. Energy efficiency investments yield demand side resources designed to displace supply side resource procurement, and TURN's efforts throughout this proceeding have focused on ensuring that the Commission's energy efficiency policies dramatically increase the amount of incremental electric and gas demand that will be met through energy efficiency investments in the next several years as cost-effectively and strategically as possible. Likewise, TURN has successfully advocated policies that will improve the quality of data used in EE program planning and program measurement, thus increasing the reliability of EE as an energy resource in procurement planning. As the energy crisis demonstrates, procurement costs can be a major driver of utility outlays and retail rates. The astronomical rate increases of 2001 can be linked to the extraordinary costs of wholesale electricity. In the future, procurement expenditures may continue to represent the least predictable component of utility costs. Therefore, appropriate energy efficiency (and integrated resource planning) policies and prudent planning practices will be essential to maintaining both low and stable rates. TURN's contributions to this proceeding will assist the Commission in achieving its energy efficiency goals, as well as the mandates of AB 32. Moreover, TURN's contributions will promote long-term rate stability, reduce risks to ratepayers and contribute to resource diversity that should help to mitigate the impact of future market dysfunction.</p>	<p>monetary benefits to customers that will exceed the cost of TURN's participation here.</p>
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² See also D.99-12-005, at 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC, A.97-12-020) and D.00-04-006, at 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN's participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) (awarding TURN \$92,000 in D.00-10-014 for our substantial contribution to the earlier decision, despite TURN's inability to assign a dollar value to the benefit of our participation in order to demonstrate "productivity." Interestingly, the Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a "major outage," which is defined as impacting more than 10% of a utility's customers. The contingent nature of the future standards did not cause the Commission to hesitate in awarding TURN compensation.).

<p>For all of these reasons, the Commission should find that TURN's efforts have been productive.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>This Request for Compensation includes nearly 1,800 hours for TURN's attorneys and consultant time covering two and a half years of work. While this number of hours is no doubt substantial, TURN's efforts reflected herein encompass contributions to four Commission decisions, the preparation of approximately 30 pleadings formally filed by TURN, and numerous other activities related to active participation in this proceeding. Such activities include attending workshops, reviewing various Staff proposals not the subject of formal rulings, submitting informal comments to Energy Division as requested, participating in the 2010-2012 EM&V public workshop process overseen by Energy Division and otherwise reviewing IOU program EM&V, reviewing IOU advice filings related to the implementation of the 2010-2012 portfolios, and participating in Energy Division's consideration of how best to align portfolio activities with the California Long-Term Energy Efficiency Strategic Plan. TURN's participation in ongoing EM&V and Strategic Plan-related activities which were not the subject of any of the four decisions covered by this request is akin to the work described in TURN's Request for Compensation filed on Sept. 7, 2011, in A.08-07-021 et al. The Commission found all of that work to be compensable in D.12-02-012. For all of these reasons, as well as those provided below, TURN submits that the number of hours for each TURN representative is reasonable.</p> <p><u>TURN Staff Hours</u></p> <p>TURN's lead attorney in this proceeding was Marybelle Ang, TURN's newest attorney. Ms. Ang received assistance from TURN Attorney Hayley Goodson and TURN General Counsel Robert Finkelstein, both of whom have extensive subject matter experience related to the Commission's EE program. For the most part, Mr. Finkelstein provided limited assistance to Ms. Ang (as necessary) prior to the start of Phase 4 in October 2011, and Ms. Goodson worked with Ms. Ang thereafter. Mr. Finkelstein's and Ms. Goodson's hours represent a modest fraction of the hours expended by Ms. Ang. The combination of the range and complexity of issues resulted in TURN devoting a higher than usual number of hours for more than one attorney's work on TURN's pleadings and other work products and efforts. TURN submits that under the circumstances, such hours should be found reasonable.</p> <p><u>TURN Consultant Hours</u></p> <p>TURN also relied on outside expert consultants Cynthia Mitchell, Gillian Court, and Reuben Deumling, all of Energy Economics, Inc. The majority of hours included in this request is for the work of TURN's outside consultants,</p>	<p>After the reductions outlined below, we find the remainder of TURN's hours and costs to be reasonable.</p>

who together devoted an average of about 33 hours per month in 2010, 2011 and 2012 to this proceeding. TURN's broad contributions to the various decisions and in the less formal forums conducted in this proceeding reflect the excellent analysis performed by those consultants. Ms. Mitchell recorded the largest number of hours but relied on Dr. Court and Dr. Deumling to perform supporting analysis. This approach enabled TURN to achieve broader coverage at a reasonable cost, as Ms. Mitchell relied on firm members with lower hourly rates.

The entries for TURN's consultants include periodic communications with DRA and Energy Division staff members. This Commission should find this reasonable under the circumstances, given that some extent of communication was necessary to avoid duplication and otherwise coordinate TURN's showing with that of DRA, and also given Energy Division's prominent role in the proceeding. TURN submits that it was not uncommon for every active party to contact Energy Division to solicit staff's views about matters or for information regarding upcoming workshops and meetings, and to provide drafts of documents or other materials in response to staff inquiries. The fact that such contacts occurred periodically does not demonstrate that the contacts represent inefficiency or unnecessary work in any way.

For all of these reasons, the Commission should find the number of hours for each firm member reasonable and award compensation for the full amount of requested hours.

Meetings, Travel Time, and Compensation-Related Time

A very small number of hourly entries reflect meetings attended by TURN's attorney and consultant, or by more than one TURN attorney or consultant. TURN submits that these hours do not reflect internal duplication. Rather, such participation was essential to TURN's development and implementation of its strategy for this proceeding. TURN's requested hours are limited to those where the attorney's or expert's presence at a meeting was necessary in order to achieve the meeting's purpose. Such meetings can be part of an intervenor's effective advocacy before the Commission, and as such, intervenor compensation can and should be awarded for the time of all participants where each participant is needed to advance the intervenor's advocacy efforts. (On the other hand, in some cases, TURN has included the hours of only one attorney or consultant, even where the meeting description includes the participation of more than one TURN representative). TURN has included travel-related expenses for Cynthia Mitchell, who lives and works in Reno, Nevada, for travel to the Commission on five occasions to attend 3 sets of workshops, a quarterly 2010-2012 EM&V meeting, and a day of ex parte meetings. This travel was not "general commuting," as Ms. Mitchell rarely comes to the Commission for business and would not have traveled to San Francisco on any of the days in question but for these

particular occasions.

TURN's request also includes 35 hours devoted to the preparation of this request for compensation. TURN acknowledges that this figure is much higher than the number of hours we customarily devote to requests for compensation. However, preparing this request was particularly time-consuming as it covers two and a half years of work, four Commission decisions, approximately 30 pleadings formally filed by TURN, and the review of copious time-keeping records detailing nearly 1,800 hours of work by TURN's attorneys and expert consultants. Also of note, this request for compensation was prepared primarily by Hayley Goodson, with assistance from Robert Finkelstein, rather than by TURN's lead attorney in this proceeding, Marybelle Ang, because Ms. Ang has been on parental leave since late April 2012, prior to the issuance of D.12-05-015. Ms. Goodson and Mr. Finkelstein are the attorneys with the most familiarity with the issues presented in this proceeding, other than Ms. Ang, as both participated in the proceeding at various points. Their assignment to the task of preparing the request is thus reasonable and efficient under the circumstances.

Time For Activities in R.09-11-014 Not Included in This Request

Finally, TURN's request excludes our time and expenses related to Phase 2 (CCA issues), as the Commission has yet to conclude that Phase. TURN has also excluded our time related to the Commission's ongoing consideration of updates to the EE Avoided Costs methodology. While the Commission preliminarily addressed avoided costs in D.12-05-015, the Commission determined that many of the issues addressed by parties, including TURN, "warrant further consideration," and thus directed Staff to continue to explore these issues for future disposition. (D.12-05-015, at 40). TURN may seek compensation for our Phase 2 and Avoided Costs work in a future request for compensation.

Summary

TURN submits that the Commission should find the hours requested here to be reasonable under the circumstances, and that TURN's showing supports that conclusion. However, should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of this request.

c. Allocation of Hours by Issue

TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes:

Code	Description	Allocation of Time
Comp	Intervenor Compensation: work preparing TURN's NOI and Request for Compensation.	2.0%
EESP	Work related to the Commission's implementation of the California Energy Efficiency Long-Term Strategic Plan, and particularly aligning the ongoing 2010-2012 EE portfolios with the Plan.	1.1%
EESP-Lighting	Work related to D.10-09-047, in which the Commission adopted the California Energy Efficiency Long-Term Strategic Plan's Lighting Chapter.	1.5%
EMV-PY2010-12	Work in this category largely pertains to general work on EM&V issues (as opposed to the EM&V issues addressed by D.10-10-033), such as participating in ED's M&V quarterly meetings and working to develop EM&V-related information and data re: program impacts for the ongoing evaluation of the currently-approved portfolios.	4.7%
GP	The work in this category includes activities associated with general participation in this proceeding, such as attending the PHC, preliminary coordination discussions with other parties, and reading ALJ procedural rulings and parties' pleadings as necessary to determine whether TURN should address the issues raised.	1.3%
Ph1-EMV	The work in this category covered the post-2012 EM&V issues raised in the Scoping Memo and the July 2, 2010 ACR, which were ultimately resolved by D.10-10-033.	9.6%
Ph3-PPPS	The work in this category addressed how the Commission should respond to Senate Bill 87, which authorized the transfer of funds collected from ratepayers for Gas Public Purpose Programs, including EE, to the California General Fund, and resulted in D.11-10-014.	1.8%
Ph4	This work was related to addressing the issues and procedural matters identified in the 10/25/11 ACR and Phase 4 Scoping Memo and resolved by D.12-05-015, where such work was not readily allocated to a single specific issue code.	13.8%

TURN has properly allocated its time by major issue as required by Rule 17.4.³

³ See D.98-04-059 and D.85-08-012.

Ph4-AR	This work was related to post-2012 changes to the Appliance Recycling Program, addressed in D.12-05-015.	0.6%		
Ph4-EUC	This work was related to post-2012 changes to the Energy Upgrade California program, addressed in D.12-05-015.	0.6%		
Ph4-Financing	This work was related to post-2012 EE financing activities, addressed in D.12-05-015.	13.6%		
Ph4-LG3P	This work was related to the roles of Local Governments and Third Parties in the post-2012 portfolios, addressed in D.12-05-015.	1.0%		
Ph4-Lighting	This work was related to post-2012 changes to the Lighting programs, addressed in D.12-05-015.	0.1%		
Ph4-P&G	This work was related to post-2012 EE Potentials and Goals, as well as updates to ex ante data inputs, all of which was addressed in D.12-05-015.	15.3%		
Ph4-PD	This work was related to the Proposed Decision which preceded D.12-05-015, where such work was not readily allocated to a specific issue code.	8.3%		
Pre-Ph4	This work was responsive to several rulings that ultimately led to Phase 4. The first was the 11/17/10 ACR soliciting input on procedural matters re: the schedule for adopting EE savings goals for 2012-2010 and other portfolio planning matters, including the possibility of extending the 2010-2012 portfolio cycle. Next was the 12/23/10 ACR, which was followed by workshops in February 2011 and then the 5/27/11 ACR, which solicited comments on 2013 bridge funding and mechanics of portfolio extension. Also included in this category is TURN's work related to addressing the IOUs' requests to shift funds within their existing portfolios, where TURN raised similar arguments about the need for changes to portfolio composition as those reflected in TURN's other comments addressing issues that fed into Phase 4.	16.3%		
Pre-Ph4-Lighting	This work was related to review of the implementation of Lighting programs in the 2010-2012 portfolios and fed into the Commission's consideration of necessary changes to the Lighting programs in Phase 4, as reflected by the 10/25/11 ACR and Phase 4 Scoping Memo and D.12-05-015.	0.8%		

Pre-Ph4-P&G	The work in this category was largely responsive to ED's first draft Potentials Study released in August 2011, which was not the subject of any formal rulings. TURN prepared and submitted several rounds of comments, which were posted on the Energy Data webportal, www.energydataweb.com/cpuc/home.aspx , where ED's documents were also made public for comment. This work eventually fed into the Potentials and Goals tract in Phase 4, which included ED's v2. Potentials Study.	2.6%
Pre-Ph4-Settle	The work in this category pertains to the process DRA initiated in early 2011 to explore opportunities to settle a variety of bridge funding issues. TURN participated in initial meetings and efforts with DRA to develop strategy for the process, and then in the broader process with the other parties (from late March through June, 2011).	3.1%
Travel	This category covers the time TURN's expert consultant Cynthia Mitchell, who lives and works in Reno, NV, spent travelling to and from the Commission on five occasions.	2.0%
TOTAL		100.0%

If the Commission believes that a different approach to issue-specific allocation is warranted here, TURN requests the opportunity to supplement this section of the request.

B. Specific Claim*:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate	Total \$	Hours	Rate \$	Total \$
M. Ang (Attorney)	2010	37.75	280	D.11-08-013	10,570.00	37.75	280	10,570.00
M. Ang (Attorney)	2011	254.00	280	D.11-08-013	71,120.00	233.3	280	65,324.00
M. Ang (Attorney)	2012	311.50	280	Res. ALJ-281 ⁴ Adopted here	87,220.00	311.5	285	88,777.50
R. Finkelstein (Attorney)	2010	40.75	470	D.10-06-046	19,152.50	38.15	470	17,930.50
R. Finkelstein (Attorney)	2011	29.25	470	D.11-09-037	13,747.50	29.25	470	13,747.50

⁴ Resolution ALJ-281 approved a 2.2% cost-of-living (COLA) increase for all 2012 intervenor work. We incorporate the 2.2% increase (rounded to the nearest \$5.00 increment) into the 2012 hourly rates requested by TURN for Ang, Finkelstein, Goodson, Court, and Mitchell's 2012 work and recalculate TURN's claim.

R. Finkelstein (Attorney)	2012	1.75	470	Res. ALJ-281 Adopted here	822.50	1.75	480	840.00
Hayley Goodson (Attorney)	2011	26.00	310	Adopted here	8,060.00	21.10	310	6,541.00
H. Goodson (Attorney)	2012	51.50	310	Res. ALJ-281 Adopted here	15,965.00	51.50	315	16,222.50
G. Court (Energy Economist)	2010	43.00	150	D.11-06-012	6,450.00	40.00	150	6,000.00
G. Court (Energy Economist)	2011	125.75	150	D.12-02-012	18,862.50	122.75	150	18,412.50
G. Court (Energy Economist)	2012	85.25	150	Res. ALJ-281 Adopted here	12,787.50	85.25	155	13,213.75
R. Deumling, (Energy Economist)	2010	53.50	150	D.11-06-012	8,025.00	39.10	150	5,865.00
R. Deumling, (Energy Economist)	2011	71.00	150	D.12-02-012	10,650.00	71.0	150	10,650.00
C. Mitchell (Energy Economist)	2010	81.50	180	D.11-06-012	14,670.00	77.70	180	13,986.00
C. Mitchell, (Energy Economist)	2011	268.50	180	D.12-02-012	48,330.00	255.20	180	45,936.00
C. Mitchell, (Energy Economist)	2012	235.75	180	Res. ALJ-281 Adopted here	42,435.00	235.75	185	43,613.75
Subtotal: \$388,867.50						Subtotal: \$377,630.		
TRAVEL								
Item	Year	Hours	Rate \$	Basis for Rate	Total \$	Hours	Rate \$	Total \$
C. Mitchell (Energy Economist)	2011	21.00	90	Half of D.12-02-012 rate	1,890.00	21.00	90	1,890.00
C. Mitchell (Energy Economist)	2012	15.00	90	Half of rate adopted here	1,350.00	15.00	92.50	1,387.50
Subtotal: \$3,240.00						Subtotal: \$3,277.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate	Total \$	Hours	Rate \$	Total \$
R. Finkelstein (Attorney)	2010	0.50	235	Half of D.10-06-046 rate	117.50	0.50	235	117.50
R. Finkelstein (Attorney)	2012	5.00	235	Half of rate adopted here	1,175.00	5.00	240	1,200.00

H. Goodson (Attorney)	2012	30.00	155	Half of rate adopted here	4,650.00	30.00	157.50	4,725.00
Subtotal: \$4,650.00 ⁵						Subtotal: \$6,042.50		
COSTS								
Item	Detail				Amount \$	Amount \$		
Travel-Related	Hotel (\$1,045.27), Travel (\$900.80), and Parking (\$45.00) costs by TURN's expert consultant who lives in Reno, NV for travel to the Commission for participation in R.09-11-014				1,960.64	1,991.07 ⁶		
Lexis	Legal research associated with R.09-11-014				191.65	191.65		
Phone	Phone/fax expense associated with R.09-11-014				74.70	74.70		
Photocopying	Expense associated with copying pleadings related to R.09-11-014				108.00	108.00		
Postage	Mailing pleadings related to R.09-11-014				49.98	49.98		
Subtotal: \$2,384.97						Subtotal: \$2,415.40		
TOTAL REQUEST: \$399,142.47						TOTAL AWARD: \$389,365.40		
<p>* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant’s records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>** Reasonable time for NOI and claim preparation and travel are compensated at ½ of preparer’s normal hourly rate.</p>								
Attorney	Date Admitted to CA BAR			Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation			
Robert Finkelstein	06-13-90			146391	No			
Hayley Goodson	12-05-03			228535	No			
Marybelle Ang	09-18-09			264333	No			

⁵ TURN makes a -\$1,292.50 error in calculating its totals for this section (inadvertently excludes the hours for B. Finkelstein). We approve these hours and correct this error in our final award.

⁶ We correct TURN's \$30.43 error in calculating its travel-related expenses. We award the full amount of the corrected total.

D. CPUC Adoptions, Adjustments, Disallowances and Comments:

Adoptions	
2011-2012 Hourly Rates of H. Goodson	In D.08-04-010, the Commission provided for up to two annual 5% “step increases” in hourly rates within each experience level for all intervenor representatives and explained that an attorney would be eligible for additional step increases upon reaching the next higher experience level. ⁷ Goodson is a 2003 law student graduate. Her work in 2011 represents her eighth year of practice at TURN. Goodson has a previously approved rate of \$295 for her 2011 work in D.11-06-015. The request rate of \$310 for Goodson’s 2011 work here (from 9-30-11 through 12-20-11) is reasonable and consistent with Commission guidelines approved in D.08-04-010. We adopt this rate as requested. TURN request that the same hourly rate of \$310 be applied to the remainder of Goodson’s 2012 work in this proceeding. Resolution ALJ-281 (issued after TURN filed its request for compensation), authorized a 2.2% COLA increase for 2012 intervenor work. We apply this increase to Goodson’s 2011 rate approved here and adopt an hourly rate of \$315 for Goodson’s 2012 work.
Adjustments	
2012 Hourly Rates of M. Ang, R. Finkelstein, G. Court and C. Mitchell	<p>We apply a 2.2% COLA increase (rounded to the nearest \$5.00 increment)⁸ to the hourly rates requested by TURN for the 2012 work of M. Ang, R. Finkelstein, G. Court and C. Mitchell and approve their 2012 rates as follows:</p> <p>Marybelle Ang- \$285 Robert Finkelstein- \$480 Gillian Court- \$155 Cynthia Mitchell- \$185</p>
Disallowances	
Excessive Hours	<p>TURN’s claim requests approximately 47.5 hours to prepare its June 4, 2010 comments. The document comprises a total of 14 pages. We find the hours spent on this task to be excessive and reduce TURN’s work related to this task by 50%.</p> <p>2010 Reductions- R. Deumling 14.4 hrs; B. Finkelstein 2.6 hrs; G. Court 3.0 hrs and C Mitchell 3.8 hrs</p>
Lack of substantial contribution to D.11-10-014	<p>On page 5, we did not concur that TURN made a substantial contribution to the final decision on the issue of Energy Upgrade California, as a whole-house, whole building program. The claimed contribution is based on TURN’s comments it submitted on July 21, 2011 and its reply comments of July 28, 2011. Since the July 28, 2011 comments are also the basis of other accepted claimed contributions, we grant 100% of the time TURN spent on these comments. The July 21, 2011 comments however, are not listed as the basis for any of TURN’s claimed contributions. Since the work done on comments is often instrumental to reply comments, we grant 50% of TURN’s time spent on the July 21 comments and disallow the remainder of time for this task.</p> <p>2011 Reductions-C. Mitchell 2.1 hrs; G. Court 3.0 hrs and M. Ang 4.3 hrs</p>
Excessive Hours/ Lack of substantial	TURN’s claim requests approximately 43 hours for preparing its November 8, 2011 comments. The document comprises a total of 13 pages. We find the hours spend on this task to be excessive. In addition, on page(s) 6-7, we did not conclude that TURN made a

⁷ See D.08-04-010 at 2 and 11-12.

⁸ The 2.2% COLA increase was approved in Resolution ALJ-281.

contribution to D.12-05-015	substantial contribution as it lists regarding the 2 year bridge cycle issue. To address both issues of excessiveness and lack of substantial contribution we reduce TURN's 2011 hours for this task by 50%. 2011 Reductions- C. Mitchell 10.7 hrs; M. Ang 6.9 hrs and H. Goodson 3.9 hrs
Lack of Substantial Contribution to D.12-05-015	For reasons outlined on page(s) 7-8, we did not concur that TURN made a substantial contribution to D.12-05-015 on the issues of whole neighborhood approach and data sharing. The claimed contributions were based on TURN's December 21, 2011 comments. We did however; find other issues based on these same comments where we acknowledged that a substantial contribution was made. As such, we approve 50% of TURN's 2011 hours for this task and disallow the remainder of TURN's time spent on this task. 2011 Reductions- C. Mitchell .5 hrs; M. Ang 9.5 hrs and H. Goodson 1.0 hrs
Miscalculations	TURN incorrectly totaled its costs for preparing its request for an award (R. Finkelstein's time was excluded). We include Finkelstein's time for this task. In addition, TURN's request for travel related expenses was increased by \$30.43 to account for a miscalculation error. We recalculate TURN's totals in both of these areas.
Comments	
Hours for work outside the proceeding	TURN's request for an award includes 19.75 hours of M. Ang's work related to the utilities' Advice Letter filings proposing modification to their 2010-2012 EE portfolios. Generally work outside the formal proceeding is not eligible for intervenor compensation. The Commission has previously compensated intervenors for work related to Advice Letters in proceedings where there is a strong nexus to the issues presented in the proceeding in which intervenor compensation is being sought. TURN acknowledged that it could have sought compensation in a separate request limited to its 2010-12 EE portfolio work tied to the Advice Letter. ⁹ TURN submits that here it is more efficient to present a single request for compensation covering all of the related work, rather than submit multiple requests. We agree. TURN's comments on PG&E's compliance filing made a substantial contribution to the Commission's resolution of the advice letter process implementing a decision in this proceeding. The hours requested are reasonable. Full compensation for this work is consistent with prior intervenor compensation requests and awards. ¹⁰

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes
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⁹ See for example, D.11-09-036 issued in Resolution L-411A.

¹⁰ See D.06-10-013, D.08-03-012, D.10-12-015 and D.07-12-040.

FINDINGS OF FACT

1. The Utility Reform Network has made substantial contributions to Decisions (D.) 10-09-047, 10-10-033, 11-10-014, and 12-05-015.
2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable compensation is \$389,365.40.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$389,365.40.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company, shall pay The Utility Reform Network the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 30, 2012, the 75th day after the filing of TURN's request, and continuing until full payment is made.
3. The comment period for today's decision was waived.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1009047, D1010033, D1110014, and D1205015	
Proceeding:	R0911014	
Author:	ALJ Darwin E. Farrar	
Payee(s):	Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
The Utility Reform Network	07-17-12	\$399,142.47	\$389,365.40	No	Lack of substantial contribution; excessive hours; hourly rate adjustments; arithmetic errors.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Marybelle	Ang	Attorney	TURN	\$280	2010	\$280
Marybelle	Ang	Attorney	TURN	\$280	2011	\$280
Marybelle	Ang	Attorney	TURN	\$280	2012	\$285 ¹¹
Robert	Finkelstein	Attorney	TURN	\$470	2010	\$470
Robert	Finkelstein	Attorney	TURN	\$470	2011	\$470
Robert	Finkelstein	Attorney	TURN	\$470	2012	\$480 ¹²
Hayley	Goodson	Attorney	TURN	\$310	2011	\$310 ¹³
Hayley	Goodson	Attorney	TURN	\$310	2012	\$315
Gillian	Court	Economist	TURN	\$150	2010	\$150
Gillian	Court	Economist	TURN	\$150	2011	\$150
Gillian	Court	Economist	TURN	\$150	2012	\$155 ¹⁴
Reuben	Deumling	Economist	TURN	\$150	2010	\$150
Reuben	Deumling	Economist	TURN	\$150	2011	\$150
Cynthia	Mitchell	Economist	TURN	\$180	2010	\$180
Cynthia	Mitchell	Economist	TURN	\$180	2011	\$180
Cynthia	Mitchell	Economist	TURN	\$180	2012	\$185 ¹⁵

(END OF APPENDIX)

¹¹ Includes the 2.2% COLA authorized for 2012 intervenor work in Resolution ALJ-281.

¹² Includes the 2.2% COLA authorized for 2012 intervenor work in Resolution ALJ-281.

¹³ This rate is approved and applied to Goodson's work during 9-30-11 through 12-20-11. Goodson's rate is increased to reflect the second 5% step increase (within each experience level) authorized in D.08-04-010.

¹⁴ Includes the 2.2% COLA authorized for 2012 intervenor work in Resolution ALJ-281.

¹⁵ Includes the 2.2% COLA authorized for 2012 intervenor work in Resolution ALJ-281.